

EXHIBIT

6

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE

ULTIMA SERVICES CORPORATION,
Plaintiff,

v.

No.

U.S. DEPARTMENT OF AGRICULTURE,

2:20-cv-00041-

U.S. SMALL BUSINESS

DCLC-CRW

ADMINISTRATION, SECRETARY OF

AGRICULTURE, and ADMINISTRATOR

OF THE SMALL BUSINESS

ADMINISTRATION,

Defendants.

VIDEOCONFERENCE DEPOSITION OF

DANNY MANDELL

DATE: Monday, May 16, 2022

TIME: 9:26 a.m.

LOCATION: Remote Proceeding

Washington, D.C. 20005

REPORTED BY: Richard Livengood, Notary Public

JOB NO.: 5230091

5230091		5230091	
Page 2		Page 4	
1 A P P E A R A N C E S		1 E X H I B I T S (Cont'd)	
2 ON BEHALF OF PLAINTIFF ULTIMA SERVICES CORPORATION:		2 NO. DESCRIPTION PAGE	
3 MICHAEL E. ROSMAN, ESQUIRE (by videoconference)		3 Exhibit 0009 Alabama Offer Letter to SBA in	
4 MICHELLE SCOTT, ESQUIRE (by videoconference)		4 Alabama 109	
5 Center for Individual Rights		5 Exhibit 0010 Acceptance Letter from Alabama to	
6 1100 Connecticut Avenue Northwest, Suite 625		6 Use the Contractor 112	
7 Washington, D.C. 20036		7 Exhibit 0011 Sole Source Letter to Ms. Mackin,	
8 rosman@cir-usa.org		8 General Clerk 118	
9 scott@cir-usa.org		9 Exhibit 0012 Acceptance Letter 121	
10 (202) 833-8400		10 Exhibit 0013 Offer Letter to State of Virginia,	
11		11 Administrative Support 125	
12 ON BEHALF OF DEFENDANTS U.S. DEPARTMENT OF		12 Exhibit 0014 Acceptance Letter 133	
13 AGRICULTURE, U.S. SMALL BUSINESS ADMINISTRATION,		13 Exhibit 0015 Order for Supplies or Services 133	
14 SECRETARY OF AGRICULTURE, and ADMINISTRATOR OF THE		14 Exhibit 0016 Letter Written by Mr. Mandell 128	
15 SMALL BUSINESS ADMINISTRATION:		15 Exhibit 0017 Contract for Support Services,	
16 JULIET GRAY, ESQUIRE (by videoconference)		16 State of Tennessee 130	
17 Department of Justice Civil Rights Division		17 Exhibit 0018 Offer Letter 132	
18 Employment Litigation Section		18 Exhibit 0019 Modification to Contract 139	
19 150 M Street Northeast		19 (Exhibits attached.)	
20 Washington, D.C. 20530		20	
21 juliet.gray@usdoj.gov		21	
22		22	
Veritext National Court Reporting Company		Veritext National Court Reporting Company	
202-857-3376 302-571-0510 410-837-3027 610-434-8588 215-241-1000		202-857-3376 302-571-0510 410-837-3027 610-434-8588 215-241-1000	

5230091		5230091	
Page 3		Page 5	
1 I N D E X		1 P R O C E E D I N G S	
2 EXAMINATION: PAGE		2 THE REPORTER: My name is Richard	
3 By Mr. Rosman 7		3 Livengood; I am the reporter assigned by Veritext to	
4 By Ms. Gray 146		4 take the recording of this proceeding. We are now on	
5 By Mr. Rosman 154		5 the record at 9:26 a.m.	
6 By Ms. Gray 158		6 This is the deposition of Danny Mandell	
7		7 taken in the matter of Ultima Services Corporation vs.	
8 E X H I B I T S		8 United States Department of Agriculture, United States	
9 NO. DESCRIPTION PAGE		9 Small Business Administration, Secretary of	
10 Exhibit 0001 Decision Memo 46		10 Agriculture, and Administrator of the Small Business	
11 Exhibit 0002 Document Signed by Witness,		11 Administration on May 16, 2022, remote via Zoom	
12 Offer Letter 61		12 meeting.	
13 Exhibit 0003 E-mail Chain 66		13 I am a notary authorized to take	
14 Exhibit 0004 Adverse Impact Determination		14 acknowledgements and administer oaths in Maryland.	
15 Letter 75		15 Parties agree that I will swear in the witness	
16 Exhibit 0005 Offer Letter for Kentucky NRCS 87		16 remotely, outside of his or her presence.	
17 Exhibit 0006 Acceptance Letter from SBA Allowing		17 Additionally, absent an objection on	
18 to Proceed 99		18 the record before the witness is sworn, all parties	
19 Exhibit 0007 Letter, July 9 to Mr. White,		19 and witness understand and agree that any certified	
20 Sole Source Offer Letter 102		20 transcript produced from the recording, virtually, of	
21 Exhibit 0008 Letter of Service and Acceptance		21 this proceeding:	
22 of Offer 108		22 - is intended for all uses permitted	
Veritext National Court Reporting Company		Veritext National Court Reporting Company	
202-857-3376 302-571-0510 410-837-3027 610-434-8588 215-241-1000		202-857-3376 302-571-0510 410-837-3027 610-434-8588 215-241-1000	

<p style="text-align: center;">5230091</p> <p style="text-align: right;">Page 46</p> <p>1 the right place, but it says, here, share -- "Exhibit</p> <p>2 Share." I am -- there's a folder that says</p> <p>3 "deposition."</p> <p>4 Q Right. You want to go to your deposition.</p> <p>5 A Okay.</p> <p>6 Q And then go to marked exhibits.</p> <p>7 A Okay.</p> <p>8 Q And there'll only be one right in that file</p> <p>9 at this point, called Exhibit 1.</p> <p>10 (Exhibit 0001 was marked for</p> <p>11 identification.)</p> <p>12 A Yes. I got it, sir.</p> <p>13 Q All right. It's on your screen?</p> <p>14 A Yes.</p> <p>15 Q And have you seen this document before?</p> <p>16 A I believe I have, but I'm not 100 percent</p> <p>17 sure.</p> <p>18 Q Okay. So could you just scroll down to, I</p> <p>19 guess, page 5?</p> <p>20 A Page 5. One. Two. Three. Four. Five.</p> <p>21 Okay.</p> <p>22 Q Sure. And there's a chart there.</p> <p style="text-align: center;">Veritext National Court Reporting Company 202-857-3376 302-571-0510 410-837-3027 610-434-8588 215-241-1000</p>	<p style="text-align: center;">5230091</p> <p style="text-align: right;">Page 48</p> <p>1 A No, sir. I have not seen that.</p> <p>2 Q Okay. You haven't --</p> <p>3 A -- no -- we were told not to use Ultima</p> <p>4 anymore.</p> <p>5 Q Okay. Were you told why not to use Ultima</p> <p>6 anymore?</p> <p>7 A No. Not specifically.</p> <p>8 Q Okay. Prior to -- well, prior to this time</p> <p>9 had you ever used the 8(a) Business Development</p> <p>10 Program to award a contract?</p> <p>11 A I believe I have.</p> <p>12 Q Okay. And when was the first time that you</p> <p>13 used the 8(a) Business Development Program to award?</p> <p>14 A The first time we filed awarding was when I</p> <p>15 inherited an 8(a) contract from other state. And I</p> <p>16 believe I also execute another 8(a), but I'm not sure</p> <p>17 what that requirement was for.</p> <p>18 Q Was it an NRCS requirement?</p> <p>19 A Yes.</p> <p>20 Q Was it an NRCS requirement for</p> <p>21 administrative services?</p> <p>22 A I don't remember, sir.</p> <p style="text-align: center;">Veritext National Court Reporting Company 202-857-3376 302-571-0510 410-837-3027 610-434-8588 215-241-1000</p>
<p style="text-align: center;">5230091</p> <p style="text-align: right;">Page 47</p> <p>1 A The one on the top, sir?</p> <p>2 Q Yes. The one on the top. According to this</p> <p>3 chart, there was, in Region 1, a balance remaining on</p> <p>4 the IDIQ contract of over \$9,000,000.</p> <p>5 MS. GRAY: Object to form.</p> <p>6 BY MR. ROSMAN:</p> <p>7 Q Is that right?</p> <p>8 A Mr. Rosman, did you had a question?</p> <p>9 Q I did ask a question. Yes. Are you looking</p> <p>10 at the chart that says Region 1 at the top?</p> <p>11 A Yes. I am.</p> <p>12 Q So I'm just asking you to read the chart at</p> <p>13 this point. It looks like according to this chart</p> <p>14 there was a balance remaining of over \$9,000,000; is</p> <p>15 that right?</p> <p>16 MS. GRAY: Object to form.</p> <p>17 A Difference from RC allocation. That's what</p> <p>18 I'm looking, I'm seeing, sir.</p> <p>19 Q Okay. And was that your understanding that</p> <p>20 there was a lot of money remaining on the Region 1</p> <p>21 IDIQ contract around the time it was cancelled?</p> <p>22 MS. GRAY: Object to form.</p> <p style="text-align: center;">Veritext National Court Reporting Company 202-857-3376 302-571-0510 410-837-3027 610-434-8588 215-241-1000</p>	<p style="text-align: center;">5230091</p> <p style="text-align: right;">Page 49</p> <p>1 Q Okay. When you issued the task order under</p> <p>2 the IDIQ for Ultima, was that for administrative</p> <p>3 services?</p> <p>4 A There's -- the IDIQ for Ultima is for</p> <p>5 services and support, which is administrative</p> <p>6 services.</p> <p>7 Q Okay. And so the prior occasions on which</p> <p>8 you used the 8(a) Business Development Program for an</p> <p>9 NRCS requirement, you do not remember whether or not</p> <p>10 those requirements were for administrative and support</p> <p>11 services; is that right?</p> <p>12 A That's correct. That's right. Yeah.</p> <p>13 Q So did anyone at the Department of</p> <p>14 Agriculture suggest that you use the 8(a) Business</p> <p>15 Development Program to meet requirements for</p> <p>16 administrative and support services for NRCS offices?</p> <p>17 A One more time, sir, please.</p> <p>18 Q Okay. Did anyone at the Department of</p> <p>19 Agriculture suggest that you use the 8(a) Business</p> <p>20 Development Program to fulfill requirements for</p> <p>21 administrative and support services for NRCS offices?</p> <p>22 A Yes.</p> <p style="text-align: center;">Veritext National Court Reporting Company 202-857-3376 302-571-0510 410-837-3027 610-434-8588 215-241-1000</p>